

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PHILLIP B. CORTEZ,)
)
Petitioner,)
)
v.) Case No. CIV-07-567-D
)
ALBERTO GONZALES, *et al.*,)
)
Respondents.)

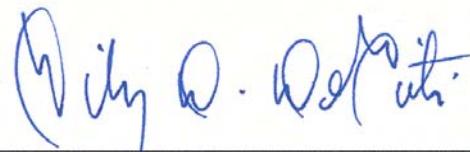
ORDER OF DISMISSAL

This matter is before the Court for review of the Report and Recommendation issued August 8, 2007, pursuant to 28 U.S.C. § 636(b)(1) and (C). United States Magistrate Judge Robert E. Bacharach recommends dismissal of this action for habeas corpus relief under 28 U.S.C. § 2241, as moot. Petitioner has neither filed a timely objection nor requested additional time to object.

The Court finds Petitioner has waived further review of the issue of mootness due to his failure to object. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, based on a *de novo* review of the case file, the Court finds Judge Bacharch's analysis of this issue is correct. Therefore, the Court adopts the Report and Recommendation [Doc. 24] in its entirety.

IT IS THEREFORE ORDERED that Respondents' Motion to Dismiss as Moot [Doc. 21] is GRANTED. This action is DISMISSED for lack of jurisdiction.

IT IS SO ORDERED this 6th day of September, 2007.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE